

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 29, 2008

DIVISION ONE

| | | |
|---------|------------------------------|-----------------------|
| B200370 | People v. Brown | (Not for Publication) |
| B205998 | In re Brown on Habeas Corpus | |

The judgment is modified by striking the prior conviction enhancement for the 2001 assault conviction. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward a certified copy of the corrected abstract to the Department of Corrections. The petition for a writ of habeas corpus is dismissed as moot.

Rothschild, J.

We concur: Mallano, P.J.
Weisberg, J. (Assigned)

| | | |
|---------|--------|-----------------------|
| B203257 | People | (Not for Publication) |
| | v. | |
| | Burns | |

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
Weisberg, J. (Assigned)

August 29, 2008 (Continued)

DIVISION ONE (continued)

B201698 People (Not for Publication)
v.
Coreas

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
Neidorf, J. (Assigned)

1002791-08

The Honorable STANLEY M. WEISBERG, Retired Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division One, as a justice thereof, on the following dates:

September 17, 2008 to November 17, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: August 27, 2008

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

August 29, 2008 (Continued)

DIVISION TWO

[illegible]

The judgment is affirmed. Wells is entitled to costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FIVE

B206042 Los Angeles County, D.C.S. (Not for Publication)
v.
Elmer G.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B198340 Pamela Spangle (Certified for Publication)

v.

Farmers Insurance Exchange

The judgment is reversed and the matter remanded for further proceedings.
Plaintiff is awarded her costs on appeal.

Mosk, J.

I concur: Armstrong, J. (Opinion)

I dissent: Turner, P.J. (Opinion)

DIVISION EIGHT

B199596 Tu My Tong (Not for Publication)

v.

William Brownstein & Associates et al.,

The judgment is affirmed. Respondents are to recover their costs on appeal.

Bigelow, J.

We concur: Cooper, P.J.
Flier, J.

B196486 People (Not for Publication)

v.

Vargas

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

August 29, 2008 (Continued)

DIVISION EIGHT (continued)

B201909 People (Not for Publication)
v.
Brown

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Bigelow, J.

B196877 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Bigelow, J.

We concur: Cooper, P.J.
Flier, J.

[illegible]

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
Flier, J.

DIVISION EIGHT (continued)

B208017 J.L., (Not for Publication)

v.

Superior Court, Los Angeles County

(Los Angeles County Department of Children And Family Services et al.)

The writ petition is denied on the merits. This opinion is final forthwith as to this court. (Cal. Rules of Court, rule 8.264(b)(3).)

Bigelow, J.

We concur: Cooper, P.J.
 Rubin, J.

B195677 Robert Shtofman (Not for Publication)

v.

Mercedes-Benz of North America, Inc., et al.,

The judgment is reversed, and the cause is remanded to the trial court with directions to vacate its order granting Shtofman's motion for summary adjudication of his cause of action for breach of warranty, and to enter a new an different order denying his motion, and granting Calstar's cross-motion for summary adjudication on Shtofman's breach of warranty claim, and granting Mercedes-Benz's cross-motion for summary adjudication on Shtofman's breach of warranty claim. Because Shtofman dismissed his remaining cause of action in reliance on the order which now must be vacated, the trial court is further directed to relieve Shtofman from his dismissal of those causes of action in the event he so chooses. Mercedes-Benz and Calstar are awarded costs on appeal.

Bigelow, J.

We concur: Rubin, Acting P.J.
 Flier, J.

DIVISION EIGHT (continued)

B165767 People (Certified for Publication)
v.
Esquibel,

The trial court is ordered to delete the section 12022.7 enhancement and the superior court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment of the trial court is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B197857 The Utility Reform Network (Not for Publication)
v.
Public Utilities Commission of the State of California
(Southern California Edison Company, r.p.i.)

California Public Utility Commission Dec. No. 05-04-049, as modified by Dec. No. 07-03--017, is reversed to the extent it awards compensation for TURN's outside counsel based on the same rates at which staff counsel were compensated, and is otherwise affirmed. The cause is remanded to the PUC for recalculation of the compensation awarded based on evidence in the record before the PUC of market rates paid to outside counsel. The parties shall bear their own costs.

Egerton, J. (Assigned)

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (continued)

B197830 DiMartino
 v.
 Patricia Ostrander et al.

Filed order vacating submission order of August 26, 2008. Pursuant to the provisions of Gov. Code Sec. 68081, the parties are invited to file letter briefs, single-spaced, and not to exceed seven pages. These briefs are to be filed on or before 10/1/08. The case will be deemed submitted on 10/1/08.